ENTERED

June 13, 2018 David J. Bradley, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

MARTIN ARMSTRONG	§	
	§	
Plaintiff.	§	
	§	
	§	
VS.	§	CIVIL ACTION NO. 3:16–CV–00115
	§	
MARATHON PETROLEUM	§	
COMPANY, LP	§	
	§	
Defendant.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

Pending before the Court is Plaintiff Martin Armstrong's Objection to the Memorandum and Recommendation of the United States Magistrate Judge and Memorandume [sic] in Support ("Objections"). On March 8, 2018, this case was referred to Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1). On May 1, 2018, Judge Edison filed a Memorandum and Recommendation recommending that the Defendant Marathon Petroleum Company, LP's Motion for Summary Judgment ("Marathon's Motion for Summary Judgment") be **GRANTED** and Defendant Marathon Petroleum Company, LP's Objections to Plaintiff's Evidence Opposing Summary Judgment ("Marathon's Objections to Plaintiff's Evidence Opposing Summary Judgment") be **DENIED**.

On May 14, 2018, Plaintiff filed his Objections. In accordance with 28 U.S.C. § 636(b)(1)(c), this Court is required to "make a de novo determination of those portions of

the [magistrate judge's] report or specified proposed findings or recommendations to

which objection [has been] made." After conducting this de novo review, the Court may

"accept, reject, or modify, in whole or in part, the findings or recommendations made by

the magistrate judge." *Id.*; see also FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and

Recommendation; the pleadings and summary judgment record; and the briefing and

arguments of the parties. The Court ACCEPTS Judge Edison's Memorandum and

Recommendation and ADOPTS it as the opinion of the Court. It is therefore

ORDERED that:

(1) The Plaintiff's Objections to Magistrate Judge's Memorandum and

Recommendation are **OVERRULED**;

(2) Marathon's Motion for Summary Judgment is **GRANTED**;

(3) Marathon's Objections to Plaintiff's Evidence Opposing Summary

Judgment is **DENIED**;

(4) This case is **DISMISSED**; and

(5) All other pending motions are **DENIED AS MOOT**.

SIGNED at Galveston, Texas, this 13th day of June, 2018.

George C. Hanks Jr.

United States District Judge

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